

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	MDL No. 02419
LITIGATION)	Docket No. 1:13-md-2419-RWZ
_____)	
)	
This document relates to:)	
)	
All of the cases against the Box Hill Defendants ¹)	

**DEFENDANTS' MOTION FOR LEAVE TO APPEAR VIA TELEPHONE AT
DECEMBER 8, 2016 STATUS CONFERENCE AND MOTIONS HEARING**

Defendants, by their undersigned counsel, hereby move for this Court to allow attorney Gregory K. Kirby to appear via telephone at the December 8, 2016 Status Conference and Motions Hearing before the Honorable Rya W. Zobel and the Honorable Jennifer C. Boal, and in support thereof, state as follows:

1. Attorney Gregory K. Kirby represents the Box Hill Defendants in the above-captioned matters. He is admitted to practice *pro hac vice* before this Court in this MDL proceeding and has appeared regularly at the monthly MDL Status Conferences and Motions Hearings.

2. Mr. Kirby anticipates speaking on a number of issues, as necessary, including the status of the Box Hill cases. Mr. Kirby is located in Maryland. Unfortunately, traveling to Boston for the December 8, 2016 Status Conference and Motions Hearing would be an undue burden based on other scheduling conflicts that day.

¹ This pleading applies to the following cases: Handy v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14019-RWZ; Armetta v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14022-RWZ; Torbeck v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14023-RWZ; Kashi v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14026-RWZ; Bowman v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14028-RWZ; Dreisch v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14029-RWZ; Davis v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14033-RWZ; Farthing v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14036-RWZ

3. Accordingly, Mr. Kirby seeks leave to appear and speak via telephone for both the December 8, 2016 Status Conference and Motions Hearing.

WHEREFORE, Defendants respectfully pray that this Honorable Court (1) grant Defendants' Motion for Leave to Appear by Telephone at the December 8, 2016 Status Conference and Motions Hearing in front of the Honorable Rya W. Zobel and the Honorable Jennifer C. Boal, and (2) permit counsel Kirby to be heard on issues when appropriate and necessary.

Dated: December 5, 2016

Respectfully submitted,

/s/ Gregory K. Kirby
Gregory K. Kirby
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***Attorneys for Box Hill Surgery Center,
L.L.C., Ritu T. Bhambhani, M.D., and Ritu
T. Bhambhani, M.D., L.L.C.***

CERTIFICATE OF SERVICE

I, Gregory K. Kirby, hereby certify that a copy of the foregoing Defendants' Motion For Leave to Appear Via Telephone at December 8, 2016 Status Conference and Motions Hearing filed through the CM/ECF system, will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the plaintiffs in the individual cases, and will be sent to these parties by operation of the CM/ECF system.

Dated: December 5, 2016

/s/ Gregory K. Kirby
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